

E-FILED -7/6/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HASSAN ABPIKAR,)	No. C 09-1870 RMW (PR)
)	
Plaintiff,)	ORDER OF DISMISSAL
)	
vs.)	
)	
MARY ELIZABETH CONN,)	
)	
Defendant.)	
_____)	

On April 29, 2009, plaintiff, incarcerated at the Santa Clara County Jail and proceeding pro se, filed a copy of a letter addressed only to the State Bar of California, requesting that the defendant be disbarred. That same day, the Clerk construed the letter as an attempt to file a civil rights complaint, and assigned the above case number. The Clerk also notified the plaintiff that he had failed to file a completed in forma pauperis ("IFP") application as well as an appropriate complaint. Along with the deficiency notices, plaintiff was cautioned that his failure to either file a complete IFP application, or pay the filing fee within thirty days, and his failure to file a complaint would result in the dismissal of this action. More than thirty days has passed and plaintiff has not complied.

While plaintiff has filed a motion for extension of time to pay his fee, he has failed to file a complaint with cognizable claims. In fact, it appears that plaintiff did not intend to file a civil

1 action at all. Plaintiff is currently represented by the named defendant in No. CR 08-560 RMW,
2 in which there are several pending motions. Plaintiff's filed letter expresses dissatisfaction with
3 Ms. Conn's representation of him, but does not allege any claim currently cognizable in a
4 separate civil action. Rather, his letter is only a request to the State Bar to disbar Ms. Conn. If
5 the court is mistaken in its interpretation of plaintiff's letter, plaintiff may file a motion to
6 reconsider, along with a complaint.

7 Accordingly, the instant action is DISMISSED without prejudice. The motion for
8 extension of time (docket no. 4) is DENIED as moot. The clerk shall enter judgment and close
9 the file.

10 IT IS SO ORDERED.

11 DATED: 7/2/09


RONALD M. WHYTE
United States District Judge